

MAGISTRATE JUDGE KAREN L. STROMBOM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS E. JORDAN and JEANETTE
A. JORDAN, husband and wife,

Plaintiffs,

vs.

CITY OF TACOMA, a municipal
corporation; TACOMA POLICE
DEPARTMENT, a subdivision of the
City of Tacoma; MICHAEL GOETZ,
individually and in his official capacity
as a Tacoma Police Officer; GARY
ROBERTS, individually and in his
official capacity as a Tacoma Police
Officer; and JOHN OTIS, individually
and in his official capacity as a
Tacoma Police Officer,

Defendants.

NO. C05-5797 KLS

STIPULATION AND ORDER OF
PROTECTION FOR PERSONNEL
AND INVESTIGATIVE RECORDS

STIPULATION

COME NOW the parties, by and through their attorneys, and stipulate to
the entry of a protective order prohibiting the disclosure of certain discovery
materials. For the purposes of this stipulation and order, the term “discovery

materials” shall mean the documents and materials identified in paragraph 1 herein, whether produced in response to requests for production, responses to interrogatories, or deposition testimony.

1. It is agreed by the parties that the following discovery materials are the subject of and protected by this Stipulation and Order:

Any and all personnel records relating to any current or former City of Tacoma employee, including, but not limited to, job applications, resumes, performance evaluations, internal or external investigations of said employees, all documents that relate to the manner or method by which said employees performed their job duties, and any other materials typically included in the files and documents for such employees.

2. It is stipulated that the discovery materials described in paragraph 1, *supra*, will only be disclosed to the parties, their attorneys, and persons assisting counsel in the preparation of this litigation, including consulting and trial experts. It is further stipulated that such documents shall be held strictly in confidence and shall not be disclosed to anyone else, by the parties or by their attorneys. It is further stipulated that before being provided access to any documents protected by this order, all persons assisting counsel in the preparation of this litigation shall be shown a copy of this Stipulation and Order and advised that they are bound by its terms.

3. It is stipulated that the discovery materials described in paragraph 1, *supra*, may be used in depositions without the necessity of sealing the documents first and may be shown to persons at deposition, provided there is a need to do so.

4. It is stipulated that, prior to any of the documents described in paragraph 1, *supra*, being filed with the court as an exhibit to a pleading, the offering party shall give the opposing party at least five (5) days notice of its intent to offer such exhibit. The parties shall then confer in good faith about the need to ask the court to place the exhibit under seal. If the parties cannot agree, the opposing party shall be given a reasonable opportunity to move for an order placing such exhibit under seal.

5. The parties further agree that nothing contained in this Stipulation and Order affects in any way or to any degree the admissibility of any discovery material or any information disclosed under the terms of this Stipulation and Order. The admissibility of such material and information shall be governed by the Federal Rules of Evidence and the Federal Rules of Civil Procedure in the same manner as any other potential evidence in this case.

6. Nothing in this Stipulation and Order shall infringe upon the right of any party to object to providing information which is subject to the attorney-client privilege, or which is non-discoverable on any other legitimate ground.

DATED this _____ day of September, 2006.

ELIZABETH A. PAULI, City Attorney LAW OFFICES OF MONTE HESTER

By: _____
JEAN P. HOMAN
WSBA #27084
Attorney for Defendants

By: _____
BRETT A. PURTZER
WSBA #17283
Attorney for Plaintiffs

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ORDER

Based upon the above stipulation,

IT IS HEREBY ORDERED that the discovery materials described in the above Stipulation shall not be disclosed to anyone other than the parties, their attorneys or persons assisting counsel in the preparation of this litigation; and it is further

ORDERED that the discovery materials described in the above Stipulation shall be treated in accordance with the terms of the Stipulation.

DATED this 16th day of October, 2006.



Karen L. Strombom
United States Magistrate Judge

Presented by:

ELIZABETH A. PAULI, City Attorney

By: (original signed)
JEAN P. HOMAN
WSB #27084
Assistant City Attorney
Of Attorneys for Defendants

Approved as to Form:

LAW OFFICES OF MONTE HESTER

By: (original signed)
BRETT A. PURTZER
WSBA #17283
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Brett A. Purtzer.

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